



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/813,873

03/31/2004

John Patrick Costello

19961

5578

23556

7590

04/28/2010

KIMBERLY-CLARK WORLDWIDE, INC.

Tara Pohlkotte

2300 Winchester Rd.

NEENAH, WI 54956

EXAMINER

OSELE, MARK A

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

04/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/813,873	Applicant(s) COSTELLO ET AL.	
	Examiner Mark A. Osele	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. In view of the Appeal Brief filed on 1/20/2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Philip C Tucker/

Art Unit: 1791

Supervisory Patent Examiner, Art Unit 1791

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication 2000-000266 (Masaru) in view of Travers et al. (U.S. Patent 6,129,264), Clinton (U.S. Publication 2004/0231539) or Feesler (U.S. Patent 6,343,550), Yeo (U.S. Patent 5,503,076), Machida et al. (U.S. Patent 6,732,778), and Olson et al. (U.S. Patent 6,297,424). Masaru teaches, a method of printing a moving substrate comprising: supplying a moving substrate to a first converting operation; printing at least one first graphic on the moving substrate; supplying the moving substrate with the first graphic to a second converting operation; and ink jet printing at least one second graphic on the moving substrate (See Figs. 5-6; Machine Translation paragraphs 0011, 0016, 0017, 0018, 0040). Masaru further teaches wherein the second converting operation produces disposable absorbent articles and the moving substrate forms an outer cover of the articles, and the moving substrate forms a bodyside liner or an absorbent of the articles.

Art Unit: 1791

Masaru fails to objectively teach contact printing utilizing a gravure printer, flexographic printer, offset printer, or screen printer followed by non-contact printing utilizing a wax jet printer, ink jet printer, laser jet printer, or bubble jet printer. Travers et al. teaches contact printing a first graphic on a moving web followed by non-contact printing a second graphic on the moving web. (Column 1, lines 32-34; Column 3, lines 4-14; Column 7, lines 10-37). Clinton teaches that flexographic printing is cheaper than other leading printing techniques and Feesler teaches that flexographic printing is advantageous in that it can print on a wide range of absorbent substrates, uses fast-drying inks, and can print millions of impressions. It would have been obvious to one of ordinary skill in the art at the time of the invention to use contact printing followed by non-contact printing in the method of Masaru because Travers et al. teaches that variable graphics are more easily changed using non-contact printing so the use of contact printing can print non-variable graphics while downstream non-contact printing can print variable graphics depending on the product being made (column 3, lines 4-14, Column 7, lines 10-37) while Clinton and Feesler teach that flexographic printing has advantageous over other printing methods.

Yeo also shows making a laminated absorbent garment including printing wherein the substrate is a laminate comprising a film layer (column 10, lines 39, polyethylene film) and a nonwoven layer (column 10, lines 40-41, polypropylene spunbonded web) and the first graphic is printed on the film layer and the second graphic is printed on the nonwoven layer (column 8, lines 42-48); or wherein the substrate is a laminate comprising a film layer and a nonwoven layer and the first

Art Unit: 1791

graphic is printed on the nonwoven layer and the second graphic is printed on the nonwoven layer (column 3, lines 33-43); or wherein the substrate is a laminate comprising a film layer and a nonwoven layer and the first graphic is printed on the film layer and the second graphic is printed on the film layer (figure 2, adhesive inks '16,' figure 3, and example 1, column 10, lines 39-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to print the first and second graphics of the method of the references as combined on any combination of the non-woven layer and film layer, whichever is desired by the manufacturer, distributor, or customer, because Yeo teaches that these are all functionally equivalent alternate expedients.

Machida et al. teaches that printing on a disposable absorbent article is conventionally performed in-line at a mid portion of a manufacturing line (column 1, lines 40-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to perform the second printing step of the references as combined on a manufacturing line for absorbent articles because Machida et al. teaches that this is where printing is conventionally performed. Furthermore, it would have been obvious to one of ordinary skill in the art to perform this printing operation at this stage so the printed design could be altered mid run if desired rather than having to replace a roll of preprinted web material with a different roll of preprinted web material.

The references as combined fail to show the claimed location of the graphics.

Olson et al. shows a method of making an absorbent article with printing thereon wherein the first graphic spanning at least 60% of the width of the outer cover and being visible to the naked eye, the second graphic being positioned within the center

Art Unit: 1791

third of the width of the outer cover and being visible to the naked eye (Olson, figures 5 and 6, clearly indicate several graphics ('92,' '94,' '96,' and '100') which span at least 60% of the width of the outer cover and being visible to the naked eye). It would have been obvious to one of ordinary skill in the art at the time of the invention to place the graphics of method of the references as combined in the positions shown by Olson et al. to permit better visibility of the graphic for the wearer and to improve appearance of the absorbent article.

Regarding claims 15 and 16, Olson et al. further teaches the absorbent article has a front waist region, a back waist region, and a crotch region connecting the front waist region and the back waist region, and the second graphic is positioned within the front waist region or the back waist region (figures 5 and 6).

Regarding claim 17, Olson et al. teaches, the absorbent article to have a front waist region, a back waist region, and a crotch region connecting the front waist region and the back waist region, further comprising two or more second graphics, at least one second graphic positioned within the front waist region and at least one second graphic positioned within the back waist region [figures 1-6, (the examiner notes that there are several graphics depicted within figures 1-6, it would have been obvious to one of ordinary skill in the art at the time of the invention to position the graphics on either the front waist region, back waist region, or both according to the final appearance desired, as taught by Olson), (column 7, line 48 thru column 8, line 34, particularly column 8, lines 7-17)].

Art Unit: 1791

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication 2000-000266 (Masaru) in view of Travers et al. (U.S. Patent 6,129,264), Clinton (U.S. Publication 2004/0231539) or Feesler (U.S. Patent 6,343,550), Odorzynski (U.S. Patent Publication 2005/0149389), and Cammarota et al. Masaru teaches, a method of printing a moving substrate comprising: supplying a moving substrate to a first converting operation; printing at least one first graphic on the moving substrate; supplying the moving substrate with the first graphic to a second converting operation; and ink jet printing at least one second graphic on the moving substrate (See Figs. 5-6; Machine Translation paragraphs 0011, 0016, 0017, 0018, 0040). Masaru further teaches wherein the second converting operation produces disposable absorbent articles and the moving substrate forms an outer cover of the articles, and the moving substrate forms a bodyside liner or an absorbent of the articles.

Masaru fails to objectively teach contact printing utilizing a gravure printer, flexographic printer, offset printer, or screen printer followed by non-contact printing utilizing a wax jet printer, ink jet printer, laser jet printer, or bubble jet printer. Travers et al. teaches contact printing a first graphic on a moving web followed by non-contact printing a second graphic on the moving web. (Column 1, lines 32-34; Column 3, lines 4-14; Column 7, lines 10-37). Clinton teaches that flexographic printing is cheaper than other leading printing techniques and Feesler teaches that flexographic printing is advantageous in that it can print on a wide range of absorbent substrates, uses fast-drying inks, and can print millions of impressions. It would have been obvious to one of ordinary skill in the art at the time of the invention to use contact printing followed by

Art Unit: 1791

non-contact printing in the method of Masaru because Travers et al. teaches that variable graphics are more easily changed using non-contact printing so the use of contact printing can print non-variable graphics while downstream non-contact printing can print variable graphics depending on the product being made (column 3, lines 4-14, Column 7, lines 10-37) while Clinton and Feesler teach that flexographic printing has advantageous over other printing methods.

The references as combined fail to show printing advertising on the absorbent garment.

Odorzynski teaches that advertising can be printed on absorbent garments (paragraphs 23, 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to add advertising to the absorbent garment of the references as combined because Odorzynski teaches that advertising on absorbent garments creates additional revenue (paragraphs 004-009). Furthermore, any known advertising technique, including absence advertisements, would be envisioned by one of ordinary skill in the art from the disclosure of Odorzynski which teaches a wide array of advertising techniques and suggest that others are possible (paragraphs 0023, 0027-0034).

Cammarota et al. shows printing a plurality of graphics, 66, 81, 85, 92, 96, 97, on a web wherein graphic 85 is overprinted on graphic 92 (column 17, lines 44-64; Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to overprint graphics of the method of the references as combined because

Art Unit: 1791

Cammarota et al. teaches that it is sometimes desirable to print a background graphic and overprint a foreground graphic thereon.

Regarding claim 19, Odorzynski further teaches a contest as part of the advertising ((paragraphs 0030-0031).

Response to Arguments

6. Applicant's arguments with respect to claims 14-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A Osele/
Primary Examiner, Art Unit 1791
April 23, 2010